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IN THE MATTER OF:
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Licensing and Legal Agendas:
: AGENDA
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The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street N.W., Washington, D.C., Chairperson Ruthanne Miller, presiding.

RUTHANNE MILLER, Chairperson  
NICK ALBERTI, Member  
DONALD BROOKS, Member  
HERMAN JONES, Member  
JAMES SHORT, Member  
MICHAEL SILVERSTEIN, Member  
HECTOR RODRIGUEZ, Member

## P R O C E E D I N G S

7:47 p.m.

CHAIR MILLER: Okay, so the Board is back on the record to do the agenda for March 4, 2015. I'm going to start with the Licensing Agenda.

The first item on the licensing agenda is an application for safekeeping of license by DC Bread and Brew, located at 1247 20th Street NW. License Number is 079660. I move and we approve the application for safekeeping of a license for six months.

MEMBER SHORT: Seconded.

MEMBER JONES: There you go.

CHAIR MILLER: Mr. Short seconded the motion; all those in favor say aye. Aye.

ALL: Aye.

CHAIR MILLER: All those opposed? All those abstaining? The motion passes, 4-0-0.

The second item is an application for a manager's license by Randolph M. Taylor, ABRA Number 097362. I move that we approve this

1 application.

2 MEMBER RODRIGUEZ: Second.

3 CHAIR MILLER: Mr. Rodriguez seconded  
4 the motion. All those in favor say aye.

5 ALL: Aye.

6 CHAIR MILLER: All those opposed?

7 MEMBER SHORT: Opposed.

8 CHAIR MILLER: All those abstaining?

9 The motion passes, 3 to 1 to 0; with Mr. Short  
10 opposed.

11 Number three is a letter from Heidi  
12 Arnold of the American Heart Association  
13 requesting a nonprofit corporation auction  
14 permit. The permit to auction off items  
15 containing alcoholic beverages such as wine  
16 donations at the Heart's Delight fundraiser to be  
17 held April 24 through 25, 2015 from 6:30 p.m. to  
18 11:00 pm. at the Omni Shoreham Hotel located at  
19 2500 Calvert Street NW. I move that we approve  
20 this request.

21 MEMBER SHORT: Second.

22 CHAIR MILLER: Mr. Short has seconded

1 the motion. All those in favor say aye.

2 ALL: Aye.

3 CHAIR MILLER: All those opposed? All  
4 those abstaining? The motion passes, 4-0-0.

5 We have supplemental licensing agenda.  
6 The first item on that is a request to extend  
7 safekeeping for a license for an additional year;  
8 this is the third request from Johnny Rocket's  
9 located at 3131 M Street NW, License Number  
10 081606. I move that we hold a fact-finding  
11 hearing on this request.

12 MEMBER SHORT: Second.

13 CHAIR MILLER: Mr. Short has seconded  
14 the motion. All those in favor say aye.

15 ALL: Aye.

16 CHAIR MILLER: Aye. All those  
17 opposed? All those abstaining? The motion  
18 passes, 4-0-0.

19 Number two is a request to extend  
20 safekeeping status of a license through the fall  
21 of 2015; this is the second request by Cloakroom  
22 located at 476 K Street NW, License Number

1 087875. I move that we grant this request for a  
2 period of six months. Do I have a second?

3 MEMBER ALBERTI: Second.

4 CHAIR MILLER: Mr. Alberti has  
5 seconded the motion. All those in favor say aye.

6 ALL: Aye.

7 CHAIR MILLER: All those opposed? All  
8 those abstaining? The motion passes, 4-0-0.

9 Number three is a request to extend  
10 safekeeping status of license for an additional  
11 five? Was that five on the previous one?

12 UNKNOWN SPEAKER: I'm sorry, my  
13 apologies.

14 CHAIR MILLER: Okay, I think we're on  
15 number three, request to extend safekeeping  
16 status of license for an additional six months.  
17 This is the second request for Duchess and the  
18 Queen, located at 2102 18th Street NW, License  
19 Number 089545. I move that we approve this  
20 request for a period of six months.

21 MEMBER ALBERTI: Second.

22 CHAIR MILLER: Mr. Alberti seconded

1 the motion. All those in favor say aye.

2 ALL: Aye.

3 CHAIR MILLER: All those opposed?

4 MEMBER BROOKS: Opposed.

5 CHAIR MILLER: All those abstaining?

6 Okay, so the vote is 5 to 1 to 0 with Mr. Brooks  
7 opposed.

8 MEMBER BROOKS: They only get one more  
9 shot; that's it.

10 CHAIR MILLER: Okay, number four is a  
11 request for stipulated license with the ANC  
12 support, that's ANC-2(a). It's for West Wing  
13 Café located at 2400 M Street NW, License Number  
14 097022. I move that we approve this request.

15 MEMBER SILVERSTEIN: Second.

16 CHAIR MILLER: Mr. Silverstein  
17 seconded the motion. All those in favor say aye.

18 ALL: Aye.

19 CHAIR MILLER: All those opposed? All  
20 those abstaining? The motion passes, 6-0-0.

21 Number five is a request for a change  
22 of hours of operations as well as live

1 entertainment, including twenty-four hours. I  
2 move that we postpone consideration of this  
3 request by Epicurean and Company located at 3800  
4 Roosevelt Road NW for one week; that we postpone  
5 this one week.

6 MEMBER ALBERTI: Second.

7 CHAIR MILLER: Okay, Mr. Alberti has  
8 seconded the motion. All those in favor say aye.

9 ALL: Aye.

10 CHAIR MILLER: All those opposed? All  
11 those abstaining? The motion passes 6-0-0.

12 Number six is third amendment to a  
13 voluntary agreement and letter from attorney  
14 Stephen J. O'Brien requesting the addition of a  
15 third vessel to the licensee's fleet. This is  
16 with respect to Boomerang Boat Tours, LLC;  
17 located at 600 Water Street SW/1300 Maine Avenue  
18 SW. Okay, it's a CX marine vessel, License  
19 Number 085705 and 090816. I move that we approve  
20 this --

21 MEMBER SHORT: Second.

22 CHAIR MILLER: Okay, it's been

1 seconded by Mr. Short. All those in favor say  
2 aye.

3 ALL: Aye.

4 CHAIR MILLER: All those opposed? All  
5 those abstaining? The motion passes 5-0-0.

6 Finally, number seven is the review of  
7 a new CT license application with Brew Pub  
8 endorsement from Right Proper, LLC. It's an ANC-  
9 1(b). Right Proper Brewing Company is the  
10 applicant, located at 624 T Street NW, License  
11 Number 092357. I move that we hold a fact-  
12 finding hearing on this application. Do I have a  
13 second?

14 MEMBER SILVERSTEIN: Second.

15 CHAIR MILLER: Mr. Silverstein  
16 seconded the motion. All those in favor say aye.

17 ALL: Aye.

18 CHAIR MILLER: All those opposed? All  
19 those abstaining? The motion passes 6-0-0.

20 We have a second supplemental  
21 licensing agenda with one item on it. It is a  
22 request for a stipulated license for an



1 entertainment endorsement application with letter  
2 of support of the ANC-2(b). It's for Bulldog  
3 Tavern 3700 O Street NW, License Number 096001.  
4 I move that we approve this request.

5 MEMBER SILVERSTEIN: Second.

6 CHAIR MILLER: Okay, Mr. Silverstein  
7 has seconded it. All those in favor say aye.

8 ALL: Aye.

9 CHAIR MILLER: All those opposed? All  
10 those abstaining? The motion passes 6-0-0.  
11 Okay, that completes all licensing.

12 Okay, we turn to our legal agenda.  
13 The first item on our legal agenda is a  
14 settlement agreement between ANC-1(b) and  
15 Darnell's, dated February 11, 2015. Darnell's is  
16 located at 944 Florida Avenue NW, License Number  
17 095113. I move that we approve this settlement  
18 agreement. Do I have a second?

19 MEMBER RODRIGUEZ: Second.

20 CHAIR MILLER: Mr. Rodriguez has  
21 seconded the motion. All those in favor say aye.

22 ALL: Aye.

1 CHAIR MILLER: All those opposed? All  
2 those abstaining? The motion passes, 6-0-0.

3 Number two is an amendment to a  
4 settlement agreement between ANC-6(d), and the  
5 Boomerang Boat Tours, LLC; dated February 9,  
6 2015. Boomerang Yacht is located at 300 Maine  
7 Avenue SW and it is a retailer CX. I move that  
8 we approve.

9 MEMBER SHORT: Second.

10 CHAIR MILLER: And Mr. Short has  
11 seconded the motion. All those in favor say aye.

12 ALL: Aye.

13 CHAIR MILLER: All those opposed? All  
14 those abstaining? The motion passes 5-0-0. This  
15 will be memorialized in Board Order 2015-081.

16 Number three is a settlement agreement  
17 between ANC-6(b) and Banana Café and Piano Bar,  
18 dated February 10, 2015. Banana Café and Piano  
19 Bar is located at 500 8th Street SE, License  
20 Number 026006. I move that we approve this  
21 settlement agreement. Do I have a second?

22 MEMBER SILVERSTEIN: Second.

1 CHAIR MILLER: Mr. Silverstein  
2 seconded the motion. All those in favor say aye.

3 ALL: Aye.

4 CHAIR MILLER: All those opposed? All  
5 those abstaining? The motion passes 6-0-0. And  
6 this will be memorialized in Board Order Number  
7 2015-080.

8 We have a supplemental legal agenda.  
9 We have first on that supplemental legal agenda a  
10 letter by Elwynn Ferris requesting the Board to  
11 reconsider their finding of no ABRA violation  
12 related to Lupo Verde, located at 1401 T Street  
13 NW. I took a look at the settlement agreement,  
14 which I think in part says the applicant will  
15 operate a sidewalk café in accordance with all  
16 regulations as stipulated in its public space  
17 permit for a total of twenty-two seats. And I  
18 didn't think that Mr. Ferris showed how that was  
19 specifically violated; I didn't see any reference  
20 to a tent in there. In any event, I would just  
21 deny this request. Do I have a second or other  
22 comments?

1 (No audible reply).

2 CHAIR MILLER: Okay, I would move to  
3 deny then. Do I have a second.

4 MEMBER RODRIGUEZ: Second.

5 CHAIR MILLER: Mr. Rodriguez seconded  
6 the motion.

7 MEMBER ALBERTI: So what are we  
8 denying?

9 CHAIR MILLER: His request. He has a  
10 formal request to reconsider our finding of no  
11 ABRA violation.

12 MEMBER ALBERTI: It's a letter, it's  
13 not a motion.

14 CHAIR MILLER: It's a request. It's  
15 a request if you, if he's not a party to a case  
16 or anything, it's a request.

17 MEMBER ALBERTI: So now we deny it and  
18 he has the right to file a motion for  
19 reconsideration of our action?

20 CHAIR MILLER: This is asking us to  
21 reconsider.

22 MEMBER ALBERTI: No. We never had a

1 motion. My point is, if we're denying this, then  
2 we're treating this as a motion.

3 CHAIR MILLER: Not really.

4 MEMBER ALBERTI: Yes. We're treating  
5 it as he has standing in the case and that we're  
6 denying it and so now he has the chance to file  
7 for a motion for reconsideration.

8 CHAIR MILLER: Okay.

9 MEMBER ALBERTI: I mean, I would treat  
10 this as we already told him FYI, we hear your  
11 concerns and we're taking it under advisement. I  
12 think that's where we should leave this. It's an  
13 FYI, we hear your concerns and we're taking it  
14 under advisement.

15 CHAIR MILLER: If that is what the  
16 majority wants to do, that's fine. By my  
17 suggesting to deny a request is not the same  
18 thing as denying a motion, because we don't have  
19 that case.

20 MEMBER ALBERTI: Well, I'm afraid he's  
21 going to interpret it that way.

22 CHAIR MILLER: All right, well you can

1 make a different motion.

2 MEMBER ALBERTI: I move that we just  
3 treat this as an FYI. Wait, are you withdrawing  
4 your previous motion? There was a second motion.

5 MEMBER RODRIGUEZ: She made a motion.  
6 Are you withdrawing it?

7 CHAIR MILLER: Okay.

8 MEMBER RODRIGUEZ: Are you withdrawing your  
9 motion?

10 CHAIR MILLER: No, I won't. Okay, we  
11 can vote on my motion.

12 MEMBER RODRIGUEZ: So vote on your  
13 motion.

14 CHAIR MILLER: So there's a motion to  
15 deny the request that's been seconded. All those  
16 in favor say aye.

17 ALL: Aye.

18 CHAIR MILLER: All those opposed?

19 MEMBER SILVERSTEIN: Nay.

20 MEMBER ALBERTI: Opposed.

21 MEMBER BROOKS: Opposed.

22 CHAIR MILLER: All those abstaining?

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MEMBER ALBERTI: It's 3-2.

CHAIR MILLER: Who was the other two?  
Who was the other one?

MEMBER ALBERTI: Don opposed, I  
opposed and Mike opposed.

MEMBER BROOKS: Mike opposed.

(Speaking simultaneously).

MEMBER ALBERTI: All right; Jim,  
here's the deal. We have this formal request  
from someone. The last time he asked us to  
reconsider our decision --

CHAIR MILLER: Well number one, first  
of all, a supplemental legal agenda.

MEMBER JONES: A letter of complaint.

MEMBER ALBERTI: A while back we had  
a letter of complaint from this guy and we  
treated it as an FYI. He's complaining that we  
made a bad decision with respect to an  
investigative report. We told him the last time  
he complained it was an FYI. He wants us to  
reconsider --

1 MEMBER ALBERTI: It's still FYI.

2 CHAIR MILLER: -- our finding. No,  
3 now he wants us to reconsider our finding.

4 MEMBER ALBERTI: It's still FYI. They  
5 want to treat it as a denial. My point is if you  
6 say you're denying it, then you're treating it as  
7 a motion and that allows him then to file a  
8 motion for reconsideration; and I don't want to  
9 give him standing. I don't want to give him that  
10 kind of standing.

11 CHAIR MILLER: Okay. So we had a vote  
12 and it looked like it went down; I was just  
13 trying to get what the vote was. Right? And we  
14 already voted on it, so it was 3-2?

15 MEMBER ALBERTI: I think so.

16 CHAIR MILLER: And Mr. Short didn't  
17 play, abstain. Okay. 3-2.

18 MEMBER ALBERTI: I move that we treat  
19 this letter as an FYI.

20 CHAIR MILLER: Okay. Is there a second on that?

21 MEMBER SILVERSTEIN: For what?

22 CHAIR MILLER: To treat it as an FYI.



1 UNKNOWN: To treat it as an FYI, Mike.

2 MEMBER SILVERSTEIN: Second.

3 CHAIR MILLER: Okay, all those in  
4 favor say aye.

5 ALL: Aye.

6 CHAIR MILLER: Okay. All those  
7 opposed? Abstaining? Okay, so we're treating it  
8 as an FYI. And any of that we've acknowledged it  
9 here without further, okay.

10 Number two is a letter of withdrawal  
11 of protest and support of stipulated license  
12 submitted by Chair James Turner and Commissioner  
13 Brian Footer on behalf of ANC-1(b) dated February  
14 16, 2015. It's related to WeWork which is  
15 located at 641 S Street NW, License Number  
16 097412. I move that we approve this withdrawal.

17 MEMBER SHORT: Second.

18 CHAIR MILLER: Mr. Short has seconded  
19 that. All those in favor say aye.

20 ALL: Aye.

21 CHAIR MILLER: All those opposed? All  
22 those abstaining? The motion passes 6-0-0. That

1 would be memorialized in Board Order 2015-073.

2 Number three is a letter of withdrawal  
3 of protest in support of stipulated license;  
4 submitted by Chair Patrick Kennedy on behalf of  
5 ANC-2(a), dated February 19, 2015 with respect to  
6 West Wing Café located at 2400 M Street NW,  
7 License Number 097022. I move that we approve  
8 this.

9 MEMBER SILVERSTEIN: Second.

10 CHAIR MILLER: And Mr. Silverstein has  
11 seconded the motion. All those in favor say aye.

12 ALL: Aye.

13 CHAIR MILLER: All those opposed? All  
14 those abstaining? The motion passes 6-0-0. And  
15 this will be memorialized in Board Order 2015-  
16 074.

17 Number four is a settlement agreement  
18 between ANC-6(e) and L'hommage dated February 3,  
19 2015. L'hommage is located at 450 K Street NW,  
20 License Number 097653. I move that we approve  
21 this settlement agreement, do I have a second?

22 MEMBER RODRIGUEZ: Second.

1 CHAIR MILLER: Mr. Rodriguez has  
2 seconded the motion. All those in favor say aye.

3 ALL: Aye.

4 CHAIR MILLER: All those opposed? All  
5 those abstaining? The motion passes 6-0-0. I  
6 believe that completes our agendas for July 4,  
7 2014 and we just need to vote on our closed  
8 sessions for next week. As Chairperson for the  
9 Alcoholic Beverage Control Board for the District  
10 of Columbia in accordance with Section 405 of the  
11 Open Meetings Amendment Act of 2010, I move that  
12 the ABC Board will hold a closed meeting on March  
13 11, 2015 for the purpose of seeking legal advice  
14 from our counsel on the matters scheduled by the  
15 Board's agenda on March 11, 2015 as published in  
16 the DC Register on March 6, 2015. Is there a  
17 second?

18 MEMBER BROOKS: Second.

19 CHAIR MILLER: Mr. Brooks has seconded  
20 the motion. I will now take a roll call vote on  
21 the motion before us now that has been seconded.  
22 Mr. Brooks?

1 MEMBER BROOKS: I agree.

2 CHAIR MILLER: Mr. Rodriguez?

3 MEMBER RODRIGUEZ: I agree.

4 CHAIR MILLER: Miss Miller agrees.

5 Mr. Silverstein?

6 MEMBER SILVERSTEIN: I agree.

7 CHAIR MILLER: Mr. Short?

8 MEMBER SHORT: I agree.

9 CHAIR MILLER: As it appears the  
10 motion is passed by 5-0-0 vote, I hereby give  
11 notice that the ABC Board will hold this  
12 aforementioned closed meeting pursuant to the  
13 Open Meetings Amendment Act of 2010. Notice  
14 will also be posted on the ABC Board Hearing  
15 bulletin board, placed on the electronic calendar  
16 and ABRA's website and published in the DC  
17 Register in as timely a manner as practicable.  
18 As Chairperson of the Alcoholic Beverage Control  
19 Board for the District of Columbia and in  
20 accordance with Section 405 of the Open Meetings  
21 Amendment Act of 2010, I move that the ABC Board  
22 hold a closed meeting on March 11, 2015 for the

1 purpose of discussing and hearing reports  
2 considering ongoing planned investigations of  
3 alleged criminal or civil misconduct or  
4 violations of law or regulations seeking legal  
5 advice from our counsel on the Board's  
6 investigative agenda for March 11, 2015 as posted  
7 in the DC Register on March 6, 2015. Is there a  
8 second?

9 MEMBER BROOKS: Second.

10 CHAIR MILLER: Mr. Brooks has seconded  
11 the motion. I will now take the roll call vote  
12 in the motion before us now that has been  
13 seconded. Mr. brooks?

14 MEMBER BROOKS: I agree.

15 CHAIR MILLER: Mr. Rodriguez?

16 MEMBER RODRIGUEZ: I agree.

17 CHAIR MILLER: Miss Miller agrees.  
18 Mr. Silverstein?

19 MEMBER SILVERSTEIN: I agree.

20 CHAIR MILLER: Mr. Short?

21 MEMBER SHORT: I agree.

22 CHAIR MILLER: It appears that the

1 motion has passed by 5-0-0 vote; I hereby give  
2 notice that the ABC Board will hold this  
3 aforementioned closed meeting, pursuant to the  
4 Open Meetings Amendment Act of 2010. Notice will  
5 also be posted on the ABC Board Hearing bulletin  
6 board, placed on the electronic calendar and  
7 ABRA's website and published in the DC Register  
8 in as timely a manner as practicable.

9 Okay, and that concludes our business  
10 for March 4, 2015; and we are adjourned.

11 (Whereupon, the agendas were concluded  
12 at 8:07 p.m.)  
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<p><b>A</b></p> <p><b>ABC</b> 19:12 20:11,14,21 22:2,5</p> <p><b>ABRA</b> 2:21 11:11 12:11</p> <p><b>ABRA's</b> 20:16 22:7</p> <p><b>abstain</b> 16:17</p> <p><b>abstaining</b> 2:19 3:8 4:4 4:17 5:8 6:5,20 7:11 8:5,19 9:10 10:2,14 11:5 14:22 17:7,22 18:14 19:5</p> <p><b>acknowledged</b> 17:8</p> <p><b>Act</b> 19:11 20:13,21 22:4</p> <p><b>action</b> 12:19</p> <p><b>addition</b> 7:14</p> <p><b>additional</b> 4:7 5:10,16</p> <p><b>adjourned</b> 22:10</p> <p><b>advice</b> 19:13 21:5</p> <p><b>advisement</b> 13:11,14</p> <p><b>aforementioned</b> 20:12 22:3</p> <p><b>afraid</b> 13:20</p> <p><b>agenda</b> 1:6 2:4,6,7 4:5 8:21 9:12,13 11:8,9 15:14 19:15 21:6</p> <p><b>agendas</b> 1:5 19:6 22:11</p> <p><b>agree</b> 20:1,3,6,8 21:14 21:16,19,21</p> <p><b>agreement</b> 7:13 9:14,18 10:4,16,21 11:13 18:17,21</p> <p><b>agrees</b> 20:4 21:17</p> <p><b>Alberti</b> 1:13 5:3,4,21,22 7:6,7 12:7,12,17,22 13:4,9,20 14:2,20 15:2,5,9,16 16:1,4,15 16:18</p> <p><b>alcoholic</b> 1:2,9,9 3:15 19:9 20:18</p> 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**3131** 4:9  
**3700** 9:3  
**3800** 7:3

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**4**


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**4** 1:8 2:4 19:6 22:10  
**4-0-0** 2:19 4:4,18 5:8  
**405** 19:10 20:20  
**450** 18:19  
**476** 4:22

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**5**


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**5** 6:6  
**5-0-0** 8:5 10:14 20:10  
22:1  
**500** 10:19

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**6**

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**6** 19:16 21:7  
**6-0-0** 6:20 7:11 8:19  
9:10 10:2 11:5 17:22  
18:14 19:5  
**6:30** 3:17  
**600** 7:17  
**624** 8:10  
**641** 17:15

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**7**

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**7:47** 2:2

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**8**

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**8:07** 22:12  
**8th** 10:19

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**9**

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**9** 10:5  
**944** 9:16